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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA | ) | CASE NO. CR 18-00126 LHK        |
|                          | ) |                                 |
| v.                       | ) | DEFENDANT'S STATEMENT REGARDING |
|                          | ) | MOTION PRACTICE                 |
| RAJENDRA PRASAD GEDA,    | ) |                                 |
|                          | ) |                                 |
| Defendant.               | ) |                                 |
|                          | ) |                                 |
|                          | ) |                                 |

At the last calling of the case on March 13, 2019, the Court set April 24, 2019 as the filing deadline for any motion to suppress and/or motion to compel discovery by defendant Rajendra Prasad Geda. The Court also ordered that, if defense counsel decided he would not be filing a motion to suppress or a motion to compel discovery, he should instead file a statement so indicating to the Court. Counsel for Mr. Geda submits this statement to comply with the Court's order.

Defense counsel hereby informs the Court that he will not be filing a motion to suppress.

Defense counsel hereby informs the Court that he does not currently see a need to file a motion to compel discovery. Defense counsel understands that the government has already produced all discovery materials to the defense, including all materials the government has received from the alleged victim in this case, Company A.

1 However, as undersigned counsel mentioned at the last court appearance, defense counsel  
 2 believes that Company A has additional relevant materials, access to which is necessary for the defense  
 3 to effectively prepare for trial. On April 12, 2019, defense counsel sent a meet and confer letter to  
 4 counsel for Company A setting forth the identifying the additional materials and information that he  
 5 requires from Company A. Counsel for Company A responded to the April 12 letter by indicating he  
 6 would review the letter and requests with his client to see what other materials may be responsive. As  
 7 the Court may recall, previous negotiations between defense counsel and counsel for Company A  
 8 resolved disputes concerning the scope of the subpoena to Company A.<sup>1</sup> Defense counsel is hopeful that  
 9 negotiations will prove fruitful at this juncture as well and that the need for any litigation can be  
 10 avoided.

11 Given that neither a motion to suppress nor a motion to compel discovery will be filed, the  
 12 defense requests that the Court vacate the June 12, 2019 hearing date currently set for those motions. If  
 13 defense counsel and counsel for Company A are unable to resolve any differences they have over the  
 14 defense's requests, defense counsel will work with counsel for Company A to reach a mutually  
 15 agreeable briefing schedule on any motion to quash litigation.

16  
 17  
 18 Respectfully Submitted,

19 DATED: April 24, 2019

20 \_\_\_\_\_  
 21 /s/

22 EDWARD W. SWANSON

23 On behalf of defendant RAJENDRA PRASAD GEDA  
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1 In November 2018, Mr. Geda served a Rule 17(c) subpoena on Company A seeking items relating to Company A's investigation of the alleged intrusion and to the forensic timeline created by Company A. Following service of the subpoena, defense counsel engaged in meet and confer discussions with outside counsel for Company A regarding the defense's subpoena requests and the scope of those requests. On December 31, 2018, counsel for Company A made a proposal to produce certain materials to the defense in order to avoid the need for litigation over the subpoena. While reserving Mr. Geda's right to seek additional materials from Company A under certain conditions, defense counsel agreed to Company A's proposal. Company A produced materials on January 7, 2019 and shortly thereafter the government produced an additional round of discovery, consisting, in part, of materials it had received from Company A.